

ANDOVER CONSERVATION COMMISSION MEETING MINUTES
APRIL 2, 2013

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:47pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Floyd Greenwood, Commissioner Kevin Porter and Commissioner Fran Fink. Commissioner absent was Vice Chairman Michael Walsh. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

17 County Road

Present in Interest: Gerry Welch

Staff Recommendation: Issue Fines.

A mature tree was cut down which was conditioned to remain in the Order of Conditions issued for this single family home. However, the roadway that the Commission approved under DEP File #090-1171 would have necessitated the removal of this same tree. The Site Inspector, Scott Kelloway, P.E., reported the tree cutting to staff. At the time of the removal of the tree, Mr. Welch did not have authority to do any work under the roadway Order of Conditions, as no funding had been received and Mr. Kelloway was not performing oversight for the approved plan or Order of Conditions. Mr. Welch has now submitted funding for the roadway Order of Conditions and Mr. Kelloway will be monitoring this as well.

Commissioner Honea clarified that the Applicant would have been authorized to remove the tree under the Order of Conditions issued for the roadway upon notification to staff of the tree having to be removed.

Commissioner Fink stated that the cause of the confusion was that the Notice of Intent for the lot was filed first, and then the Notice of Intent for the roadway was filed at a later date. She requested a new tree 3" in caliper be planted in the riverfront area to replace the tree which was removed. Mr. Welch agreed.

Chairman Cooper asked for a Motion. Commissioner Fink made a Motion that a 3" caliper tree be planted within the riverfront area in the front of the house to mitigate the loss of the cut tree, it was seconded by Commissioner Driscoll and unanimously approved.

Pine Forest Park

Present in Interest: Luke Roy, Missy Correlle, C. Piscatelli and Tom Brown

Staff Recommendation: Continue for environmental review.

Public Hearing on a Request for an Amended Order of Conditions filed by Angelo Petrosino under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and/or the Andover Wetlands Protection By-Law, Article XIV, at Pine Forest Park Subdivision. The proposed amendment is to comport with Planning Board approval.

Agent Cleary presented this to the Commission. This is a request for an 2nd Amendment to the Order of Conditions so the plans comport with Planning Board approval. A waiver has been requested asking for relief of depicting all trees 10” in caliber or greater due to the thick forested nature of the site. Ann Marton has been contracted to perform the environmental review as there have been significant changes in flagging since 2001. At the request of the Planning Board, Janet Bernardo of ESS Group has performed the stormwater management review under both the Act and By-Law.

Luke Roy presented the amended plan to the Commission. The roadway work is outside the 100 foot buffer zone. The last Planning Board review required Janet Bernardo to review for current stormwater management regulations and the regulations are met. Ann Marton will review the flagging due to the age of the original delineation. There has been some tree clearing on the property outside the 100 foot buffer zone.

Commissioner Fink inquired as to the ownership of the lot which the detention pond is situated and one other vacant lot. There will be a homeowner’s association established and they will own the 2 lots.

Chairman Cooper requested that Ann Marton will be reviewing the amended plans thoroughly for any and all changes which may have been made. What year design standard is applicable for the detention basin? The standard is the 100 year storm for the detention basin, however staff will check with Janet Bernardo.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to a date uncertain and authorize Ann Marton to conduct the environmental review; it was seconded by Commissioner Greenwood.

50 Bartlet Street – Doherty Middle School

Present in Interest: Keith Saxon, K. Trott, Jerry Pouliot, Ed Ataide and Andrew Chagnon

Staff Recommendation: Close the public hearing and issue Order of Conditions.

Continued Public Hearing on a Notice of Intent filed by the Town of Andover, under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and/or the Andover Wetlands Protection By-Law, Article XIV for the proposed site improvements including site

lighting, parking, sidewalks, curbing, sewer utilities for the future youth center and stormwater management improvements at 50 Bartlet Street.

Mr. Douglas presented this to the Commission. This was continued from March 5, 2013 for purposes of receiving an affirmative response from the Town DPW that existing structures can handle site improvements and for the applicant to respond to Janet Bernardo's comments relative to the ongoing peer review. The project meets the stormwater standards and conforms to the Wetland Protection Act and our By-Law. The draft Order of Conditions shall include the language "Contractor shall clean existing catch basins within Bartlet Street and along the northeast property line at project completion". Janet Bernardo asked the condition be added that staff confirms with DPW that the existing drainage pipes can accommodate the increase in flow.

Andrew Chagnon spoke with Brian Moore at DPW and Mr. Moore did foresee a problem with the drain pipes around Doherty School to handle the capacity, however he did not provide anything in writing for the Commission.

Commissioner Porter questioned the discrepancy between the 2 year and 100 year storm for drainage area 2. Drainage area 2 contains the infiltration system. Drainage areas 2 and 3 impact the Rogers Brook area.

Peak flow is decreased from the site and per the stormwater regulations the site cannot increase runoff.

Jerry Pouliot, an abutter, is concerned with the flow to Rogers Brook. There are now 5 catch basins and now there will be 9 catch basins going into the pipe and increased pavement. How will the water flow into the bioretention areas with the curbing shown on the plan? How did DPW determine they could handle the additional flow? The bioretention areas (rain gardens) shown on the plan have depressed curbing all in compliance and function to meet stormwater management guidelines.

Commissioner Fink questioned the elimination of the bioretention area in the middle of the main parking lot and replaced with a catch basin. She also requested that the parking lot runoff be pre-treated before it enters the infiltration system. This will be done using the "sock system" which has been reviewed with Janet Bernardo and meets the stormwater guidelines. Plant and facilities will maintain the infiltration system, catch basins and will contract for someone to vacuum the porous pavement being used.

Keith Saxon will email his questions/comments to staff.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing and issue the Order of Conditions at the April 16, 2013 meeting; it was seconded by Commissioner Porter and unanimously approved.

ACTION ITEMS:

73 Lovejoy Road/Indian Ridge Country Club

Present in Interest: Keith Saxon

Staff Recommendation: Issue Order of Conditions

Issuance of an Order of Conditions. Prior to construction the flagging is to be re-established and maintained during construction. Order of Conditions has been reviewed by and finalized by peer reviewers.

Keith Saxon inquired if the washing of golf carts and vehicles will be addressed in the Order of Conditions. The runoff will be pretreated.

Commissioner Greenwood made a Motion to Issue the Order of Conditions as drafted; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from March 21, 2013 Meeting.

Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner Greenwood and unanimously approved.

LATE ITEMS/INFORMATIONAL ITEMS WHICH MAY REQUIRE A VOTE:

15 Geneva Road

Update regarding Enforcement Order issued and request for three month extension to complete project.

Commissioner Driscoll made a Motion to approve the 3 month extension; it was seconded by Commissioner Honea and unanimously approved.

2013 Hunt

Authorize 2013 Deer Hunt. Deer over population continues within the Town. Commissioner Porter stated that participation numbers have doubled, however the deer count did not reflect this increase in hunters. Commissioner Honea suggested asking the hunters to keep a log book reflecting the time spent hunting and how many deer taken.

Commissioner Greenwood made a Motion to Approve the 2013 Hunt, it was seconded by Commissioner Honea and approved by a 5-1 vote with Commissioner Driscoll opposed.

Article Town Meeting

Present in Interest: Charlie Kendrick and Susan Stott

Senior Residential Community Overlay District discussion. Charlie Kendrick provided the Commission with the background on the Franciscan Overlay Task Force. The latest version of the overlay protects the open space and easements along the Merrimack River. The easements would become permanent public easements. Depending on the plans that are proposed, it is estimated that roughly 50% of the land is undevelopable. Chairman Cooper inquired if the approval of this proposal preserves more open space than the other options. If a single family development were to occur, there would be a significant reduction in protected open space. Susan Stott informed the Commission that AVIS holds the temporary easement along the river as well as an AVIS reservation. 30% of the land area will be permanently preserved as Open Space with public access to town owned land and AVIS land. Land will be conveyed in fee either to the Conservation Commission or AVIS. Susan would like any common space not needed to become open space.

Commissioner Driscoll has attended a number of meetings held by the Overlay Task Force and supports the overlay.

One of the goals of the Overlay is to protect as much open space as possible in perpetuity. Commissioner Fink inquired if the area had been delineated. Nothing can be delineated until plans are proposed; this is only an overlay for the property.

Discussion continued to April 16, 2013.

AVIS Invitation

Vale Trail dedication will take place on April 27, 2013 at 2:00pm at the Ballardvale Train Station. There will be hikes beginning 30 minutes prior to the dedication.

The next meeting will be held April 16, 2013 at 7:45pm.

The meeting was adjourned at 9:35pm by Motion of Commissioner Honea, seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**

